(c) if not, what steps the Central Government have taken to clear the name of that officer?

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS AND MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS. (SHRI S.R BALASUBRAMONIYAN): (a) to (c) Information is being collected and will be laid on the Table of the Sabha.

मध्य प्रदेश सरकार द्वारा केन्द्रीय अन्वेषण ब्यूरों को भेजे गये मामले

1804. **श्री राघवजी** : क्या **प्रधान मंत्री** यह बताने की कृपा करेंगे कि **:**

(क) मध्य प्रदेश सरकार द्वारा केन्द्रीय अन्वेषण ब्यूरों को भेजे गये उन मामलों का ब्यौरा क्या है, जो 15 जुलाई, 1997 को लंबित थे;

(ख) उन मामलों का ब्यौरा क्या है और वर्तमान में उनकी प्रगति क्या है; और

(ग) लंबित मामले कब तक सुलझा लिये जाने की संभावना है?

कार्मिक, लोक शिकायत और पेंशन मंत्रालय में राज्य मंत्री तथा संसदीय कार्य मंत्रालय में राज्य मंत्री तथा संसदीय कार्य मंत्रालय में राज्य मंत्री (श्री एस0आर0 बालासुब्रहमण्यन) : (क) से (ग) केन्द्रीय अन्वेषण ब्यूरो द्वारा दी, गई सूचना के अनुसार 15 जुलाई, 1997 तक की स्थिति के अनुसार मध्य प्रदेश सरकार ने कुल तीन मामले केन्द्रीय अन्वेषण ब्यूरो को भेजे जो कि जांचाधीन है। इन सभी मामलों में जांच कार्य के पूरे होने के पश्चात कानून के अनुसार कार्रवाई की जाएगी।

Outdated Laws on Corruption

1805. SHRI ANANTRAY DEVSHANKER DAVE: Will the PRIME MINISTER be pleased to state:

(a) whether Government's attention has been drawn to a news item entitled 'Outdated laws net the innocent, but let off corrupt officials' which appeared in the Times of India, dated the 19th May, 1997;

(b) if "so, Government's reaction thereto; and

(c) the corrective measures Government propose to take in this regard?

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS AND MINISTER OF STATE" IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI S.R. BALASUBRAMONIYAN): (a) to (c) Yes, Sir, As far as prior sanction of the Central Government or the State Government under the Prevention of Corruption Act, 1988, for prosecution of a public servant in a Court of Law for certain offences is concerned, it is not correct to say that under the provisions of this Act the bureaucrats, including those working in investigating and enforcement agencies have been enjoying immunity. The requirement of prior permission of the Central or State Government has been provided under the law of the country to ensure that there is no prosecution of public servants on frivolous, malicious and vexatious grounds. Sanction for prosecution in cases, where there is prima-facie evidence, is accorded by the competent authorities according to the prescribed procedure. These provisions in the law have stood judicial scrutiny and test of the time. The Hon'ble Supreme Court of India in R.S. Nayak Vs. A.R. Antulay in Criminal Appeal No. 356 of 1983 and Transferred case No. 347 of 1983 ruled that grant of sanction for prosecution is not an idle formality but a solemn and sacrosanct act which removes the umbrella of protection of Government servants against frivolous prosecutions and the aforesaid requirement must, therefore, be strictly complied with before any prosecution could be launched against public servants. The above provisions in the Prevention of Corruptions Act, 1988, have been meeting the objective for which these were made.